

<b>SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO</b> <b>Criminal Department, Central Division</b>		
TITLE OF CASE: <b>THE PEOPLE OF THE STATE OF CALIFORNIA V. MARCUS DELON WESSON</b>		
<b>TRIAL BY JURY IN THE GUILT PHASE OF A CAPITAL CASE– 71<sup>ST</sup> DAY</b>		Case Number: <b>F04901785-6</b>
Judge/Temporary Judge: <b>R. L. Putnam</b>		Date: <b>May 24, 2005</b>
Court Clerk: <b>W. Anderson/ B. Graves</b>		Department: <b>53</b> Time: <b>9:00 a.m.</b>
Reporter/Tape: <b>K. Garcia, D. Dedmon</b>		
Bailiff: <b>H. Franco, P. Bellefeuille, I. Torres</b>		

Plaintiff: <b>THE PEOPLE OF THE STATE OF CALIFORNIA</b>	<input type="checkbox"/> Appearing	Counsel: Lisa Gamoian, Chief Deputy District Attorney	<input checked="" type="checkbox"/> Appearing
Defendant: <b>Marcus Delon Wesson</b>	<input checked="" type="checkbox"/> Appearing	Counsel: Peter Jones, Chief Deputy Defender Rafael Torres, Deputy Public Defender	<input type="checkbox"/> Pro Per

Pursuant to adjournment of May 23, 2005, Court reconvenes at 9:00 a.m. The People represented by Lisa Gamoian, Chief Deputy District Attorney, and the defendant, Marcus Delon Wesson, with counsel, Peter Jones, Chief Public Defender and Rafael Torres, Deputy Public Defender are present. All parties state that they are ready to proceed. The jury panel is not present.

Kristi Garcia, Court Reporter, is present at 9:00 a.m.

Lisa Gamoian, Chief Deputy District Attorney request the following witnesses to be present on 5/26/05 & 5/31/05 at 9:00 a.m.:

Serafino Wesson, Kiani Wesson & Rosa Solorio

Court instructs the witnesses that they need not appear on the dates and times given, if the D.A.. Investigator contacts them and advises that there testimony is not needed.

The jury is brought into the courtroom at 9:03 a.m.

Earle Raymond Scott Baker is sworn and testifies on behalf of the defendant on direct examination by Rafael Torres, Deputy Public Defender at 9:05 a.m.

Lisa Gamoian, Chief Deputy District Attorney, cross examines the witness at 9:22 a.m.

Witness is ordered excused at 9:32 a.m. and subject to recall.

Lisa Gamoian, Chief Deputy District Attorney, advises the Court that she has some brief issues to discuss prior to the next witness testifying.

Court admonishes the jury and recesses at 9:33 a.m. Outside the presence of the jury, counsel discuss the testimony of witness, Gary Cortner, LLC., Lisa Gamoian, Chief Deputy District Attorney, inquires what the witness would say that is not on the report. Further discussion regarding, statements made by the defendant to the police officer. Lisa Gamoian, Chief Deputy District Attorney, further inquires about the following; smears of blood found on defendant's clothing and carpet, unfired cartridges found in southeast bedroom, damage to door knob. Court finds certain statements would be admissable with limitation.

The jury returns to the courtroom at 9:48 a.m.

Gary Cortner, LLC, is sworn and testifies on behalf of the defendant on direct examination by Rafael Torres, Deputy Public Defender at 9:49 a.m.

The following defense exhibit's are shown to the witness: " Z", "AA", "BB", "CC", "DD", "EE", "FF"

Rafael Torres, Deputy Public Defendant, moves defense exhibit's , Z,AA,BB,CC,DD,EE & FF into evidence. Lisa Gamoian, Chief Deputy District Attorney, objects. Court orders matter to be taken up at a later time.

Continued questioning is asked of witness Gary Cortner by Rafael Torres, Deputy Pulic Defender.

Court admonishes the jury and recesses at 10:12 a.m. Outside the presence of the jury, Court and counsel take up the issue of defense exhibit being moved into evidence.

Upon clarification, the following exhibit's having been previously marked for identification are now received into evidence: Z, AA,BB,CC,DD,EE, & FF.

Court stands in recess at 10:18 a.m.

Denise Dedmon, replaces Court Reporter Kristi Garcia at 10:40 a.m.

Court reconvenes at 10:42 a.m. with all parties present and the jury in their seats.

Gary Cortner having been previously sworn, resumes the witness stand on continued direct examination by Rafael Torres, Deputy Public Defender at 10:41 a.m.

Rafael Torres, Deputy Public Defender, starts a power point to the jury of the following exhibits: Z,AA,BB,CC,DD,EE & FF at 10:53 a.m. and completes the power point at 11:26 a.m.

Lisa Gamoian, Chief Deputy District Attorney, begins cross examination at 11:29 a.m. of Gary Cortner, LLC.

The Court admonishes the jury and stands in recess at 12:00 noon.

Court Reporter Kristi Garcia replaces Denise Dedmon at 1:25 p.m.

The jury returns to the courtroom at 1:28 p.m and the trail continues.

Gary Cortner, LLC., having been previously sworn, resumes the witness stand to further testify on cross examination by Lisa Gamoian, Chief Deputy District Attorney.

Rafael Torres, Deputy Public Defender, begins re-direct examination at 1:40 p.m. of Gary Cortner, LLC. Witness is excused at 1:53 p.m., subject to recall.

Robert Lawrence, MD., Pathologist, Fresno County Coroner, is sworn at 1:54 p.m. and testifies on direct examination by Rafael Torres, Deputy Public Defender.

Ms. Gamoian, Chief Deputy District Attorney, objects to the testimony of Robert Lawrence, MD.

The jury stands in recess at 2:04 p.m.

Outside the presence of the jury, Ms. Gamoian, Chief Deputy District Attorney, objects to the testimony of Robert Lawrence, MD. as being outside the scope of his expertise. Matter is are argued by respective counsel. Objection is overruled.



The jury returns to the courtroom at 2:13 p.m. and the trial resumes with Robert Lawrence, MD, having been previously sworn, resuming the witness stand to further testify on direct examination by Rafael Torres, Deputy Public Defender. Witness is excused at 2:18 p.m., subject to recall.  
The Court admonishes the jury and stands in recess at 2:19 p.m.

All parties are present at 2:38 p.m. and ready to proceed.

Outside the presence of the jury, the following exhibits are marked for identification:

DEFENSE EXHIBIT XXX(BLOW-UP PHOTO OF ELIZABETH WESSON LAYING FACE DOWN ON PILE OF BODIES WITH GUN NEAR HER RIGHT ARM) MARKED FOR IDENTIFICATION.

DEFENSE EXHIBIT YYY(BLOW - UP PHOTO OF THE BACK OF SEBHRENAH WESSON) MARKED FOR IDENTIFICATION.

DEFENSE EXHIBIT ZZZ(BLOW-UP PHOTO OF ELIZABETH WESSON LYING FACE DOWN ON PILE OF BODIES) MARKED FOR IDENTIFICATION.

DEFENSE EXHIBIT AAAA(BLOW-UP, CLOSE-UP OF SEBHRENAH WESSON, RIGHT HAND OVER HER FACE) MARKED FOR IDENTIFICATION.

DEFENSE EXHIBIT BBBB(BLOW-UP OF PILE OF BODIES WITH THE GUN) MARKED FOR IDENTIFICATION.

DEFENSE EXHIBIT CCCC( BLOW-UP OF SEBHRENAH WESSON LAYING OF FLOOR WITH RIGHT HAND COVERING FACE) MARKED FOR IDENTIFICATION.

Rafael Torres, Deputy Public Defender, requests a Jury View of the residence of 761 W, Hammond. Matter is argued by respective counsel. The Court takes the matter under submission.

The Court admonishes the defense team to have witnesses lined up and ready to testify. IF witnesses are not present and ready to testify, the Court may consider the defense case closed.

The jury returns to the courtroom at 2:58 p.m. and the trial resumes.

Gary Cortner, LLC., having been previously sworn, is recalled to the witness stand at 2:58 p.m. for further direct examination by Rafael Torres, Deputy Public Defender. Witness is excused at 3:03 p.m., subject to recall.

The Court admonishes the jury and the jury is excused at 3:05 p.m. until May 25, 2005 at 10:30 a.m. for further jury trial.

Outside the presence of the jury, Allen Boudreau, LLC., having been previously sworn, is recalled to the witness stand at 3:06 p.m. for further direct examination by Rafael Torres, Deputy Public Defender.

DEFENSE EXHIBIT DDDD(PACKET CONTAINING 57 PHOTOS) MARKED FOR IDENTIFICATION.

The Court stands in recess at 3:34 p.m.

Allen Boudreau, LLC., having been previously sworn, resumes the witness stand for further direct examination by Rafael Torres, Deputy Public Defender.

Cross examination is reserved by Lisa Gamoian, Chief Deputy District Attorney. Ms. Gamoian, Chief Deputy District Attorney, advises that she needs time to go over the new discovery that she had received this afternoon.

The Court adjourns at 4:30 p.m. until May 25, 2005 at 9:00 a.m.

The defendant, Marcus Delon Wesson, remains in the custody of the Sheriff of Fresno County, until his next court date.

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